

COMBINED DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION

As a below named SWEET, Donald E., I hereby declare:

that my residence, post office address and citizenship are as stated below next to my name;

that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention which is the subject of an application entitled: A SYSTEM AND METHOD FOR THE PROVISION OF INFORMATION WITHIN A PREDETERMINED LOCALITY; said invention being described and claimed [] in the attached specification (X) in the specification of application Serial No. 10/585,070 filed January 10, 2002; that I have reviewed and understand the content of said specification including the claims; that I do not know and do not believe the said invention was ever known or used in the United States before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to said application; that I acknowledge my duty to disclose information of which I am aware which is material to patentability as defined in 37 CFR 1.86; and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States prior to said application by me or my legal representatives or assigns, except as follows:

COUNTRY/INTERNATIONAL:	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/36
WIPO	PCT/AU00/00831	07/10/2000	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
AU	PO 5264	07/08/1999	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application listed below:

I hereby appoint Donald R. McPhail, Reg. No. 35,811 to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and transact all business in connection with international applications directed to said invention:

Address all correspondence to: Duane Morris LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006

Direct all telephone calls to (202) 776-7800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Donald E. Sweet, President, CardSoft, Inc.
FULL NAME OF INVENTOR

SIGNATURE

DATE

Suite 104, One Waters Park Drive, San Mateo, CA 94403
RESIDENCE

US
CITIZENSHIP

Same as above
POST OFFICE ADDRESS

DM2\1116632.1

PTO/SB/86 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: CardSoft Inc.Application No./Patent No.: 10/585,070 Filed/Issue Date: January 10, 2002

Entitled: A System and Method for the Provision of Information Within a Predetermined Locality

CardSoft Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Ian Charles Ogilvy To: CardSoft International PTY Limited
The document was recorded in the United States Patent and Trademark Office at
Reel 011008, Frame 0231, or for which a copy thereof is attached.
2. From: CardSoft International PTY Limited To: CardSoft, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Donald E. Sweet
Signature

Donald E. Sweet

Printed or Typed Name

President, CardSoft, Inc.
Title

4/22/07
Date

650-387-6237

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

Ian Charles Ogilvy

Confirmation No.: 7996

Serial No.: 10/585,070

Art Unit No.: Unknown

Filing Date: January 10, 2002

Examiner: Unknown

**TITLE: A SYSTEM AND METHOD FOR THE PROVISION OF INFORMATION WITHIN
A PREDETERMINED LOCALITY**

DECLARATION OF RELEVANT FACTS

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

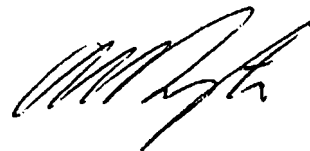
Alexandria, Virginia 22313-1450

Sir:

I, Andrew Smyth, hereby declare:

1. Ian Charles Ogilvy is the sole named inventor in the above-subject patent application.
2. Ian Charles Ogilvy is no longer an employee, officer or director of CardSoft Inc. or its predecessor CardSoft International.
3. The last known address of Ian Charles Ogilvy is:

Suite 306, 39 East Esplanade
Manly, New South Wales, Australia 2095
4. I have firsthand knowledge of the following facts relating to the efforts to contact Ian Charles Ogilvy.
5. Neither I, nor anyone else at CardSoft, has had any contact with Ian Charles Ogilvy since 2001.
6. When Mr. Ogilvy left CardSoft in 2001, he left no forwarding address. We had heard through third parties that Mr. Ogilvy was working with a company called Keycorp in Australia; however, he never acknowledged any communications sent to him at Keycorp. Sometime later, possibly in 2003, we heard that he left Keycorp. There have been no confirmed sightings of or contact with Mr. Ogilvy since that time.



7. On at least 4 occasions since 2001, we have written to all shareholders of CardSoft including Mr. Ogilvy. In the absence of any correct or forwarding address, we had resorted to sending any communication for Ian Ogilvy care of his aged mother, who lived at Coffs Harbour, a small town in northern New South Wales, Australia. In each communication, we invited Mr. Ogilvy to confirm/update their contact details. We never received any response from Ian Charles Ogilvy or his mother. As such we do not know whether the Coffs Harbour address is still valid, or even if Mrs. Ogilvy is still alive (I met her in 2000, and she must have been late 70s at that time).

8. I further declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code.

Respectfully submitted,


Andrew Smyth

Date: April 21, 2007